

6P/2637



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JFW/92B

**APPLICANT:** Agere Systems Inc.**FILING DATE:** January 14, 2000**SERIAL NO.:** 09/483,725**ART UNIT:** 2637**TITLE:** Frame Formatting Technique**EXAMINER:** Corrielus, Jean B.

**ASSISTANT COMMISSIONER OF PATENTS**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: USPTO; Commissioner for Patents; PO Box 1450; Alexandria, VA 22313-1450.

Date of Deposit : 10/8/04

Name : David L. Cargille

*David Cargille*  
 Signature

Date of Signature : 10/8/04

Dear Sir:

Enclosed herewith please find a "Statement Under 37 CFR 3.73(b)" and supporting documents.

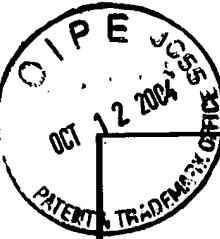
Respectfully submitted,

By

*David Cargille*

David L. Cargille  
 Attorney for Applicant  
 Reg. No. 46,600

Synnestvedt Lechner & Woodbridge LLP  
 P.O. Box 592  
 Princeton, NJ 08542-0592  
 Tel (609) 924-3773  
 Fax (609) 924-1811



## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Agere Systems Inc.

Application No./Patent No.: 09/483,725

Filed/Issue Date: January 14, 2000

Entitled: **FRAME FORMATTING TECHNIQUE**

Agere Systems Inc.

, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [√] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Inventor(s) To: Lucent Technologies Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel 010525 Frame 0387, or for which a copy thereof is attached.

2. From: Lucent Technologies Inc. To: Agere Systems Guardian Corp.

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: Agere Systems Guardian Corp. To: Agere Systems Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_ Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[√] Copies of assignments or other documents in the chain of title are attached.

[NOTE] A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

David Cargille

Signature

David L. Cargille

Printed or Typed Name

Attorney

Title

10/8/04

Date

609-924-3773

Telephone number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**EXECUTION COPY**

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**PATENT ASSIGNMENT**

**by and between**

**LUCENT TECHNOLOGIES INC.**

**and**

**AGERE SYSTEMS GUARDIAN CORP.**

**Dated as of January 30, 2001**

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## PATENT ASSIGNMENT

THIS PATENT ASSIGNMENT (this "Assignment"), effective as of January 30, 2001 (the "Effective Date"), is by and between Lucent Technologies Inc., a Delaware corporation, with offices at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, ("ASSIGNOR") and Agere Systems Guardian Corp., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("Agere Systems Guardian").

## RECITALS

A. WHEREAS, the Board of Directors of ASSIGNOR has determined that it is in the best interests of ASSIGNOR and its stockholders to separate ASSIGNOR's existing businesses into two independent businesses;

B. WHEREAS, ASSIGNOR presently owns or controls certain patents, patent applications, and invention submissions listed in the attached Appendices A and B (hereinafter "TRANSFERRED PATENTS") and;

C. WHEREAS, in furtherance of the foregoing separation, ASSIGNOR desires to transfer, assign, convey, deliver and vest all of its interests and rights in TRANSFERRED PATENTS for all countries, jurisdictions and political entities of the world, to and in Agere Systems Guardian;

NOW, THEREFORE, in consideration of the premises and for other good and valid consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

ASSIGNOR, subject to existing rights and licenses of third parties, does hereby assign, convey, transfer and deliver, and agrees to assign, convey, transfer and deliver to Agere Systems Guardian, its successors, assigns and legal representatives or nominees, ASSIGNOR's entire right, title and interest, for all countries, jurisdictions and political entities of the world, along with the right to sue for past infringement, to all TRANSFERRED PATENTS listed on Appendices A and B, and corresponding counterpart foreign patents and patent applications, with respect to which, and to the extent to which, ASSIGNOR now has or hereafter acquires the right to so assign, convey, transfer and deliver. Agere Systems Guardian recognizes that ASSIGNOR holds only bare legal title to the TRANSFERRED PATENTS listed in Appendix A (which lists the United States Patents and patent applications previously exclusively licensed to Lucent Technologies Microelectronics Guardian Corp.).

ASSIGNOR and ASSIGNEE recognize that the patents listed in Appendices A and B may inadvertently include patents that are owned by various subsidiaries of ASSIGNOR, including Agere, Inc., Ortel Corporation, Optimay Corporation, Herrmann Technology, Inc., and Enable Semiconductor, Inc. Ownership of such patents shall not be affected by this Patent

Assignment, and ASSIGNEE agrees that any such patents shall be deemed deleted from Appendices A and B.

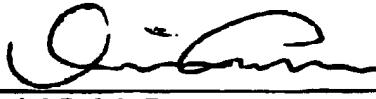
ASSIGNOR agrees that, upon request it will, at any time without charge to Agere Systems Guardian, but at Agere Systems Guardian's expense, furnish all necessary documentation relating to or supporting chain of title, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for vesting title to TRANSFERRED PATENTS in Agere Systems Guardian, its successors, assigns and legal representatives or nominees; including but not limited to any acts which may be necessary, desirable or convenient for claiming said rights and for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in Agere Systems Guardian and its respective successors, assigns and legal representatives or nominees.

Execution Copy

IN WITNESS WHEREOF, the parties have caused this PATENT ASSIGNMENT to be executed by their duly authorized representatives as of the Effective Date.

LUCENT TECHNOLOGIES INC.

By:

  
Daniel P. McCurdy

President, Intellectual Property Business

AGERE SYSTEMS GUARDIAN CORP.

By:

  
Fred M. Romano

President

Execution Copy

ACKNOWLEDGMENTS

STATE OF NEW JERSEY )  
                               : ss:  
 COUNTY OF SOMERSET )

I CERTIFY that on January 30, 2001, Daniel P. McCurdy personally came before me and this person acknowledged under oath, to my satisfaction that:

- a.) this person signed, sealed and delivered the attached Patent Assignment as President - Intellectual Property Business of Lucent Technologies Inc.; and
- b.) this Patent Assignment was signed and made by Lucent Technologies Inc. as its voluntary act and deed by virtue of authority from its Board of Directors.

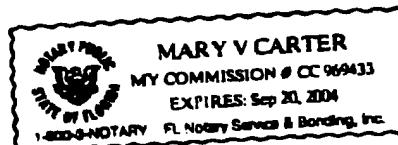
Name **TAMORA ANNE HANNA**  
 Notary Public      Notary Public of New Jersey  
 My Commission Expires <sup>Registered in Hunterdon County</sup> **My Commission Expires March 25, 2002**  
 [Notarial Seal]

STATE OF FLORIDA )  
                               : ss:  
 COUNTY OF ORANGE )

I CERTIFY that on January 31, 2001, Fred M. Romano personally came before me and this person acknowledged under oath, to my satisfaction that:

- a.) this person signed, sealed and delivered the attached Patent Assignment as Vice President of Agere Systems Guardian Corp.; and
- b.) this Patent Assignment was signed and made by Agere Systems Guardian Corp. as its voluntary act and deed by virtue of authority from its Board of Directors.

Name **MARY V CARTER**  
 Notary Public  
 My Commission Expires:  
 [Notarial Seal]



**APPENDIX B (continued)**  
**Transferred Patents**

Case Name	Filing Date	Issue Date	Patent No.	Serial No.
Cornerford 7-13-2	12/16/1998			09/212533
Comino 8-1	5/28/1997	6/13/2000	6075820	
Costigan 1-1	6/3/1998	7/18/2000	6090534	
Coult 13-27-2-4-8-2-1	10/28/1999			09/429327
Coult 8-13-4	4/29/1998		09/069396	
Crevasse 10-1-4-2	7/15/1999	8/1/2000	6097484	09/353860
Crevasse 1-10-4-1	10/8/1997	3/7/2000	6033293	
Crevasse 11-24-10-3-6	1/25/1999	5/9/2000	6059638	09/237082
Crevasse 13-35-19-20-13	7/8/1999			09/348926
Crevasse 14-38-24-17	8/19/1998			09/377580
Crevasse 15-3	8/27/1999			09/303829
Crevasse 16-42-28-21	7/20/1999			09/357405
Crevasse 17-44-30-23	7/20/1999			09/356716
Crevasse 18-49-35-28	10/22/1999			09/425433
Crevasse 19-50-38-29	9/28/1999			09/407463
Crevasse 20-51-37-30	10/1/1999			09/410548
Crevasse 21-58-44-37	10/8/1999			09/415126
Crevasse 22-60-45-38	8/31/1999			09/386262
Crevasse 23-64-49-42	11/23/1999			09/447884
Crevasse 24-67-51-120-44	10/26/1999			09/427306
Crevasse 25-71-55-48	10/22/1999			09/426226
Crevasse 26-73-58-49	4/21/2000			09/553931
Crevasse 27-74-57-50	4/21/2000			09/553938
Crevasse 28-75-58-122-51	3/29/2000			09/537132
Crevasse 29-76-59-123-52	2/1/2000			09/496115
Crevasse 30-28-11-5	11/29/1999			09/450485
Crevasse 31-79-31-60-55	1/11/2000			09/481238
Crevasse 3-21-1-10	10/7/1999			09/414353
Crevasse 32-80-61-56	1/25/2000			09/490912
Crevasse 33-81-62-57	3/21/2000			09/531250
Crevasse 34-82-63-58	1/5/2000			09/477833
Crevasse 36-84-65-60-2	5/3/2000			09/564659
Crevasse 38-86-67-82	3/22/2000			09/532688
Crevasse 39-87-68-63	9/19/2000		09/665279	
Crevasse 40-88-69-64	3/31/2000			09/541792
Crevasse 4-15	5/1/1998			
Crevasse 41-89-70-65-4	7/27/2000		09/071012	
Crevasse 42-90-71-66	8/3/2000		09/826523	
Crevasse 44-92-68	8/29/2000		09/632404	
Crevasse 5-17-14-13-10	9/21/1999		09/649654	
Crevasse 5-17-4	9/14/1998			09/400406
Crevasse 6-18-5-1-3	8/28/1998		09/152752	
Crevasse 7-2-19-8	8/18/1998	6/27/2000	09/143010	
Crevasse 8-21-8	12/14/1998		6080671	
Crisefulli 1-19	11/16/1998			09/211267
Crisefulli 3	4/20/2000			09/441076
Criscuolo 1-30	7/7/2000			09/553282
Crispell 2	5/8/1998	5/2/2000	09/6111844	
Crispell 3	9/16/1998		6057700	
Crispell 5-1	3/10/2000		09/154291	
Cruceta 1-1-1	4/11/2000			60/188516
Cruceta 2-2-2	4/18/2000			09/547295
Cunningham 40-67	5/22/1998		09/551795	
Cupo 12-5-1-1	3/30/1998		09/083165	
Cupo 14-1-7-3	10/13/1998		09/049985	
Cupo 19-3-5	1/14/2000			09/170174
Cupo 21-18-8	8/30/1999			09/483725
Curtin 10	1/22/1999			09/386092
Curtin 11-46-14	1/21/2000			09/444818
Curtin 12	4/11/2000			09/489467
				09/547381

06/25/2003 10:26 AGERE IP LAW → 912159232189

NO.594 D11

✓ 02/08/01 09:56 NO.747 P005/007

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**AGREEMENT REGARDING  
POWERS OF ATTORNEY**

**by and between**

**LUCENT TECHNOLOGIES INC.**

**and**

**AGERE SYSTEMS INC.**

**Dated as of February 1, 2001**

---

**AGREEMENT REGARDING POWERS OF ATTORNEY**

This Agreement is effective as of February 1, 2001 between LUCENT TECHNOLOGIES INC., a Delaware corporation ("LUCENT"), having an office at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, for itself and on behalf of its Subsidiaries (each and all herein after "LUCENT") and AGERE SYSTEMS INC., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("AGERE").

WHEREAS, the Board of Directors of LUCENT has determined that it is in the best interests of LUCENT and its stockholders to separate LUCENT's existing businesses into two independent businesses; and

WHEREAS, as part of the foregoing, LUCENT has assigned certain United States and corresponding foreign patents and patent applications to AGERE, which patents and applications were filed in the name of LUCENT and various of its subsidiaries and predecessors, including AT&T Corp., a New York corporation and various of its subsidiaries; and

WHEREAS, in order to effect its rights under such patents and to prosecute such patent applications, including recording such assignments, AGERE representatives need Power of Attorney from LUCENT and predecessors of LUCENT.

THEREFORE, LUCENT agrees to provide AGERE employees and employees of AGERE affiliated companies with Powers of Attorney in the form attached to act for LUCENT, any of its wholly-owned subsidiaries, and any of such predecessors with respect to such issued patents and pending patent applications in the names of LUCENT, such subsidiaries or any of such predecessors.

AGERE agrees to use such Powers of Attorney only with respect to those certain patents and patent applications which were assigned to AGERE by LUCENT.

**LUCENT TECHNOLOGIES INC.**

By:   
Daniel P. McCurdy  
President - Intellectual Property Business

Date: 1/30/01

**AGERE SYSTEMS INC.**

By:   
Gerard A. deBlasi  
Vice President - Law

Date: 1/30/01

## GENERAL APPOINTMENT OF AGENT

And

## POWER OF ATTORNEY

Lucent Technologies Inc., for itself and its subsidiaries, and as successor in interest to  
patents of AT&T Corp. and its subsidiaries, hereby appoints:

Gerard A. deBlasi  
Fred M. Romano  
Scott W. McLellan  
Richard J. Botos  
Marie MacNichol  
Geraldine Montaleone  
Scott Rittman  
Anthony Grillo  
David Smith  
Robert P. Marley  
John Veschi  
Mark Kurisko  
Lea Birnbaum

as agents and attorneys to act on its and on Lucent Technologies Inc.'s behalf before any  
competent National and International Authorities in connection with any and all patents  
and patent applications filed by Lucent Technologies Inc., its wholly-owned subsidiaries  
or its predecessors, or issued or pending in the name of Lucent Technologies Inc., or any  
of its wholly-owned subsidiaries or predecessors, with the power to further appoint  
agents, and grant powers of attorney in connection therewith.

Lucent Technologies Inc.

By: 

Daniel P. McCurdy  
President - Intellectual Property Business

Date: 1/30/01

# Delaware

PAGE 1

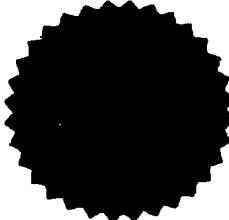
*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION, WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



3268412 8100M

020545223

Harriet Smith Windsor  
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1959517

DATE: 08-29-02

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 08/29/2002  
020545223 - 3268412

**CERTIFICATE OF OWNERSHIP AND MERGER**

**OF**

**Agere Systems Guardian Corp.**  
(a Delaware corporation)

**INTO**

**Agere Systems Inc.**  
(a Delaware corporation)

**UNDER SECTION 253 OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), DOES HEREBY CERTIFY:

**FIRST:** The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

**SECOND:** On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

**RESOLVED** that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp."

**THIRD:** That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

**AGERE SYSTEMS INC.**

By Paul Bento  
Paul Bento, Vice President